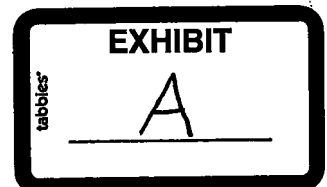


JAYNE KLEIN, Individually and as Personal Representative of the ESTATE OF ANDREW P. KLEIN 107 West Jarrettsville Road Forest Hill, Maryland 21050 And MARSHALL KLEIN, Individually and as Personal Representative of the ESTATE OF ANDREW P. KLEIN 1538 East Clement Street Baltimore, Maryland 21230 And ANDREW R. SANDLER, Individually and as Personal Representative of the ESTATE OF ANDREW P. KLEIN 502 Washington Avenue, 8 th Floor Towson, Maryland 21204 And SARAH KLEIN, Individually 109 West Jarrettsville Road Forest Hill, Maryland 21050 and RACHEL KLEIN, Individually, 2772 Lighthouse PT E, Unit 207 Baltimore, Maryland 21224 Plaintiffs v. CARLOO EVERTON WATSON 7 Sheffield Court North Brunswick, New Jersey 08902 and	IN THE CIRCUIT COURT FOR HARFORD COUNTY Case No: C-12-CV-21-000006
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<p>WAKEFERN FOOD CORP. 5000 Riverside Drive Keasbey, New Jersey 08832</p> <p>SERVE: CT Corporation System 1200 South Pine Island Road Plantation, Florida 33324</p> <p>And</p> <p>WKF TRUCKING, LLC 385 Milford Street Brooklyn, New York 11209</p> <p>SERVE: Carloo Everton Watson 385 Milford Street, Apt. 2 Brooklyn, NY 11209</p> <p>Defendants</p>	
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COMPLAINT

Plaintiffs, Jayne Klein, Marshall Klein, and Andrew R. Sandler, Individually and as Personal Representatives of the Estate of Andrew Klein, Sarah Klein, and Rachel Klein, by Paul D. Bekman and Bekman, Marder & Adkins, L.L.C., hereby sue the Defendants, Carloo Everton Watson, Wakefern Food Corp. and WKF Trucking, LLC, and state as follows:

THE PARTIES, JURISDICTION, AND VENUE

1. The Plaintiff, Jayne Klein, is a resident of Harford County, Maryland. Mrs. Klein is the Personal Representative of the Estate of Mr. Andrew Klein, Deceased. Mrs. Klein was Mr. Andrew Klein's wife.
2. The Plaintiff, Marshall Klein, is a resident of Baltimore City, Maryland. Mr. Marshall Klein is the Personal Representative of the Estate of Mr. Andrew Klein. Mr. Marshall Klein was Mr. Andrew Klein's son.

3. Plaintiff, Andrew R. Sandler, is a resident of Baltimore County, Maryland. Andrew R. Sandler is the Personal Representative of the Estate of Andrew P. Klein.
4. Plaintiff, Sarah Klein, is a resident of Harford County, Maryland. Sarah Klein is the daughter of Decedent, Andrew P. Klein.
5. Plaintiff, Rachel Klein, is a resident of Baltimore City, Maryland. Rachel Klein is the daughter of Decedent, Andrew P. Klein.
6. Defendant, Carloo Everton Watson, is a resident of North Brunswick, New Jersey.
7. Defendant, Wakefern Food Corp. is a corporation which is incorporated in the State of Florida and which does business in Maryland and New Jersey.
8. Defendant, WKF Trucking, LLC, is a limited liability company registered in New York, and which does business in Maryland and New Jersey.
9. Plaintiffs' Decedent, Andrew Klein, died on March 11, 2019 as a result of the Defendants' negligent acts, which occurred in Harford County, Maryland.
10. The amount of this claim exceeds Seventy-Five Thousand Dollars (\$75,000.00).
11. Venue is proper in Harford County, Maryland.

FACTS

12. At all times relevant herein, Defendant Watson was negligently operating a motor vehicle owned by Defendants, Wakefern Food Corp. and WKF Trucking, LLC, and was acting as their agent, servant, and/or employee.
13. On the morning of March 11, 2019, Defendant Watson negligently and carelessly operated a tractor trailer by talking on his hand-held cellphone, speeding, and weaving in and out of traffic lanes on the highway.

14. At approximately 7:00 a.m., Defendant Watson traveled southbound on MD-24 at a high rate of speed, approaching the intersection of Ring Factory Road in Harford County, Maryland.

15. At the same time and place, at least twelve motor vehicles, including the motor vehicle Decedent, Mr. Klein, was a passenger in, were stopped at the traffic signal at Ring Factory Road.

16. As Defendant Watson approached the traffic signal at Ring Factory Road, he lost control of the tractor trailer he was operating, thereby causing a massive and violent motor vehicle collision involving twelve motor vehicles, including the motor vehicle Mr. Klein was a passenger in.

17. As a result of the motor vehicle collision, the motor vehicle in which Mr. Klein was a passenger in was pinned between the right rear of the tractor and the right front of the trailer, thereby severely crushing Mr. Klein and causing the motor vehicle to catch fire and substantially burn after the collision, such that Mr. Klein was not visually identifiable.

18. As a direct and proximate result of the aforesaid negligence of Defendant Watson, Decedent, Andrew Klein, suffered multiple severe and fatal injuries, including fractures of his rib and his sternum, causing internal bleeding; bilateral fracture dislocation of his hip joints; pain and suffering; extreme emotional and mental anguish; and pre-impact fright.

COUNT I

(Survival Claim)

19. Plaintiffs adopt and incorporate Paragraphs 1 through 18 as if fully set forth herein.

20. At all times relevant herein, Defendant Watson, owed a duty to Decedent, Mr. Klein, to exercise due care and caution to avoid motor vehicle collisions.

21. Defendant Mr. Watson egregiously breached the duty of care owed to Decedent, Mr. Klein, by negligently operating his motor vehicle, including by talking on his hand-held cellphone, weaving through traffic lanes on the highway, and unreasonably speeding, thereby unlawfully causing a motor vehicle collision involving twelve motor vehicles, including that of Decedent, Mr. Klein.

22. The aforesaid occurrence was caused by the negligence, carelessness, and recklessness of the Defendant, Carloo Watson, as the agent, servant, and/or employee of the Defendants, Wakefern Food Corp. and WKF Trucking, LLC, in that he:

- a. failed to maintain proper control over the vehicle he was operating;
- b. failed to avoid a collision;
- c. failed to keep a proper lookout;
- d. failed to operate his vehicle at a speed reasonable and prudent under the circumstances then and there existing;
- e. failed to observe the presence and proximity of the vehicle driven by the Plaintiff;
- f. failed to carefully and prudently apply his brakes so as to avoid a collision;
- g. failed to obey the traffic signals;
- h. failed to obey Maryland law regarding hand-held cellphone use during the operation of a motor vehicle; and
- i. was otherwise careless, reckless, and negligent.

23. As a direct and proximate result of Defendant Watson's breach of his duty, Mr. Klein suffered multiple painful and fatal injuries, pre-impact fright, pain and suffering, and, ultimately, death.

WHEREFORE, Plaintiffs, Jayne Klein, Marshall Klein, and Andrew R. Sandler, as Personal Representatives of the Estate of Decedent, Andrew P. Klein, claim damages against the Defendants, Wakefern Food Corp. and WKF Trucking, LLC, in an amount exceeding the jurisdictional limit of seventy-five thousand dollars (\$75,000.00) to be determined by a jury.

COUNT II

(Wrongful Death Claim – Jayne Klein)

24. Plaintiffs adopt and incorporate Paragraphs 1 through 23 as if fully set forth herein.

25. As a result of Defendant Watson's negligence and the wrongful death of Andrew Klein, Plaintiff, Jayne Klein suffered severe mental anguish, emotional pain and suffering, pecuniary loss, and has been deprived of society, companionship, comfort, protection, marital care, attention, advice, counsel, and support, that Andrew rendered while alive, and could have, and would have, continued to afford and render had he continued to live.

26. By reasons of Defendant's negligence causing the death of Mr. Andrew Klein, a cause of action has accrued in accordance with the Wrongful Death Act of the State of Maryland, Md. Code, Cts. & Jud. Pro. § 3-901, et. seq., for compensation to Jayne Klein, the surviving wife of Andrew for all the damages, injuries and losses sustained as a result of the wrongful death of her husband.

WHEREFORE, Plaintiff Jayne Klein claims damages against the Defendants, Wakefern Food Corp. and WKF Trucking, LLC, in an amount exceeding \$75,000.00 to be determined by a

jury, with all costs to be paid by the Defendants.

COUNT III

(Wrongful Death Claim – Marshall Klein)

27. Plaintiffs adopt and incorporate Paragraphs 1 through 26 as if fully set forth herein.

28. As a result of Defendant Watson's negligence and the wrongful death of Andrew Klein, Plaintiff, Marshall Klein suffered severe mental anguish, emotional pain and suffering, pecuniary loss, and has been deprived of society, companionship, comfort, parental care, attention, advice, counsel, training, guidance, and education that Andrew rendered while alive, and could have, and would have, continued to afford and render had he continued to live.

29. By reasons of Defendants' negligence causing the death of Andrew Klein, a cause of action has accrued in accordance with the Wrongful Death Act of the State of Maryland, Md. Code, Cts. & Jud. Pro. § 3-901, et. seq., for compensation to Marshall Klein, a surviving son of Andrew, for all the damages, injuries and losses sustained as a result of the wrongful death of his father.

WHEREFORE, Plaintiff Marshall Klein claims damages against the Defendants, Wakefern Food Corp. and WKF Trucking, LLC, in an amount exceeding \$75,000.00 to be determined by a jury, with all costs to be paid by the Defendants.

COUNT IV

(Wrongful Death Claim – Sarah Klein)

30. The Plaintiff, Sarah Klein, adopts and incorporates all the allegations contained in paragraphs 1 through 29 as though set at length herein.

31. As a result of Defendant Watson's negligence and the wrongful death of Andrew Klein, Plaintiff, Sarah Klein suffered severe mental anguish, emotional pain and suffering, pecuniary loss, and has been deprived of society, companionship, comfort, parental care, attention, advice, counsel, training, guidance, and education that Andrew rendered while alive, and could have, and would have, continued to afford and render had he continued to live.

32. By reasons of Defendants' negligence causing the death of Andrew Klein, a cause of action has accrued in accordance with the Wrongful Death Act of the State of Maryland, Md. Code, Cts. & Jud. Pro. § 3-901, et. seq., for compensation to Sarah Klein, a surviving daughter of Andrew, for all the damages, injuries and losses sustained as a result of the wrongful death of her father.

WHEREFORE, Plaintiff, Sarah Klein, claims damages against the Defendants, Wakefern Food Corp. and WKF Trucking, LLC, in an amount exceeding \$75,000.00 to be determined by a jury, with all costs to be paid by the Defendants.

COUNT V

(Wrongful Death Claim – Rachel Klein)

33. The Plaintiff, Rachel Klein, adopts and incorporates all the allegations contained in paragraphs 1 through 32 as though set at length herein.

34. As a result of Defendant Watson's negligence and the wrongful death of Andrew Klein, Plaintiff Rachel Klein suffered severe mental anguish, emotional pain and suffering, pecuniary loss, and has been deprived of society, companionship, comfort, parental care, attention, advice, counsel, training, guidance, and education that Andrew rendered while alive, and could have, and would have, continued to afford and render had he continued to live.

35. By reasons of Defendant's negligence causing the death of Andrew Klein, a cause of action has accrued in accordance with the Wrongful Death Act of the State of Maryland, Md. Code, Cts. & Jud. Pro. § 3-901, et. seq., for compensation to Rachel Klein, a surviving daughter of Andrew, for all the damages, injuries and losses sustained as a result of the wrongful death of her father.

WHEREFORE, Plaintiff Rachel Klein claims damages against the Defendants, Wakefern Food Corp. and WKF Trucking, LLC, in an amount exceeding \$75,000.00 to be determined by a jury, with all costs to be paid by the Defendants.

COUNT VI

(Wakefern Food Corp. and WKF Trucking, LLC)

36. Plaintiffs adopt and incorporate Paragraphs 1 through 35 as if fully set forth herein.

37. Plaintiffs are suing Defendant Watson, who was acting as an agent, servant, and/or employee of Wakefern Food Corp. while operating a motor vehicle owned by Wakefern Food Corp. and/or WKF Trucking, LLC.

38. Defendant, Wakefern Food Corp., is a corporation created and existing under the laws of the State of Florida, with its principal place of business in New Jersey. Wakefern regularly conducts business in multiple states, including in the State of Maryland.

39. Defendant, WKF Trucking, LLC, is a limited liability company created and existing under the laws of the State of New York, with its principal place of business in New Jersey. WKF Trucking, LLC regularly conducts business in multiple states, including in the State of Maryland.

40. Wakefern and WKF Trucking, LLC routinely buy, warehouse, merchandise, market, and transport products to individuals and entities from Maryland and maintains ongoing business relationships with a variety of member companies located in Maryland. Wakefern's and WKF Trucking, LLC's regularly conducted business within Maryland started well before the facts of this case and will continue for the foreseeable future.

41. Venue is proper in the Circuit Court for Harford County pursuant to § 6-201 of the Courts and Judicial Proceedings Article of Maryland's Annotated Code. Wakefern and WKF Trucking, LLC regularly carry on business in Harford County.

42. On March 11, 2019, Defendant Watson was acting as an agent, servant, and/or employee of Wakefern Food Corp. and WKF Trucking, LLC and was operating a tractor trailer owned by Wakefern Food Corp. and/or WKF Trucking, LLC, when he negligently and recklessly caused a massive, violent motor vehicle collision involving twelve motor vehicles.

43. As a direct and proximate result of the aforesaid negligence of Defendant Watson, Andrew Klein suffered multiple fatal injuries.

44. Defendants, Wakefern and WKF Trucking, LLC, as the employer of Defendant Watson, were at all relevant times herein ultimately responsible and liable for all actions committed by employee, agent, and/or servant Defendant Watson within the scope of his employment.

45. As the employer of Defendant Watson, Defendants, Wakefern and WKF Trucking, LLC, owed a duty of care to Andrew Klein to reasonably hire, train, and supervise the drivers within its employment.

46. Defendants, Wakefern and WKF Trucking, LLC, breached their duty of care by employing and retaining Defendant Watson with knowledge of Defendant Watson's driving

violations, including the following violations in New Jersey, Maryland, and Virginia: using a cellphone while driving, failing to observe traffic control device, following too closely, failing to obey lane direction for vehicles over five-tons, operating a moving vehicle with a flat tire, and speeding.

47. As a direct and proximate result of the aforesaid negligence of Defendants Wakefern and WKF Trucking, LLC, Andrew Klein suffered multiple fatal injuries and the Plaintiffs suffered injuries and damages thereby.

WHEREFORE, the Plaintiffs claim damages in an amount exceeding \$75,000.00 against the Defendants Wakefern Food Corp. and WKF Trucking, LLC, to be determined by this Honorable Court as a matter of law, with all interest and costs to be paid by the Defendants.

COUNT VII

(Punitive Damages)

48. Plaintiffs adopt and fully incorporate paragraphs 1 through 47 as if fully set herein.

49. Defendant Watson acted egregiously and with wanton misconduct in operating the tractor trailer with conscious disregard of the consequences of his reckless driving.

50. Defendants, Wakefern and WKF Trucking, LLC, acted egregiously and with wanton misconduct in hiring Defendant Watson and retaining Defendant Watson as a driver with the knowledge of Defendant Watson's negligent and reckless driving history and the various traffic violations he thereby incurred.

51. All Defendants knowingly and deliberately committed wrongdoing and, in doing so, proximately caused severe injuries and damages to the Plaintiffs and the Plaintiffs' Decedent, Andrew Klein.

WHEREFORE, the Plaintiffs claim punitive damages in the amount of \$20,000,000.00 against the Defendants, Wakefern Food Corp. and WKF Trucking, LLC, with all interest and costs paid for by the Defendants.



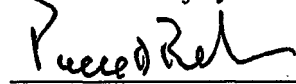
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JAYNE KLEIN, et al.	IN THE
Plaintiffs	CIRCUIT COURT
v.	FOR
CARLOO WATSON, et al.	HARFORD COUNTY
Defendants	Case No: C-12-CV-21-000006

ELECTION FOR JURY TRIAL

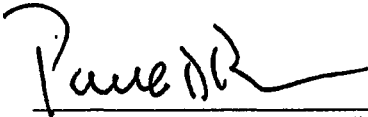
MR. CLERK:

The Plaintiffs elects to have their case tried before a jury.



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*Attorneys for Plaintiffs***CERTIFICATE OF REDACTION**

I HEREBY CERTIFY that the Complaint and Election for Jury Trial, pursuant to Maryland Rules 2-432 and 2-433, and Md. Code §4-309 of the Health General Article, do not contain any restricted information.



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